

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460



OFFICE OF CHILDREN'S HEALTH  
PROTECTION

May 8, 2020

**MEMORANDUM**

**Subject:** Concur with Comment: Expedited Final Agency Review: National Primary Drinking Water Regulations of Perchlorate (Tier 1; SAN 5555; RIN: 2040-AF28)

**From:** Jeanne Briskin, Director

**To:** Charlotte Bertrand, Deputy Assistant Administrator (Policy)  
Office of Water

Thank you for the opportunity to review and comment on the Expedited Final Agency Review for Perchlorate. The Office of Children's Health Protection (OCHP) concurs with comment on the Expedited Final Agency Review (FAR): National Primary Drinking Water Regulation of Perchlorate (Tier 1; SAN 5555; RIN: 2040-AF28). In our comments in the draft Federal Register Notice (FRN),

Deliberative Process / Ex. 5

**Deliberative Process / Ex. 5**

OCHP is concerned that

Deliberative Process / Ex. 5

**Deliberative Process / Ex. 5**

**Ex. 5 Deliberative Process (DP)**

OCHP has not had the opportunity to review the current response to public comment document and cannot therefore provide input on whether the draft final rule is adequately responsive to the comments received.

Thank you again for the opportunity to provide comments. If you need additional information, please contact me at 202-564-4583 or have your staff contact Rebecca Dzubow at 202-564-0967

**cc:**

Lisa Christ, OW

Sandy Evalenko, OW

Leanne Nurse, OW

## Request and Summary of Responses – Expedited Milestone or Waiver Request

The lead program should use this form to consolidate responses from the workgroup poll. This form should be submitted to the Regulatory Management Division director and the lead program Regulatory Steering Committee representative for approval by the Associate Administrator of the Office of Policy. The lead program also should upload this form into ADP Tracker.

### Background

Title: NPDWR Perchlorate

SAN: 5555      Request: Expedited      Milestone: Final Agency Review      Stage: Final

The Final Rule has a consent decree for signature of 6/19/2020.

Rationale:

### Summary of Responses

	Offices/Regions Participating in the Workgroup	Offices/Regions Agreeing	Offices/Regions Disagreeing	Offices/Regions Not Responding
OAR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OCHP	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OSCPP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OECA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OEI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OEJ	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OGC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ORD	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OSWER	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OW	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Region 1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Region 2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Region 3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Region 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Region 5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Region 6	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Region 7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Region 8	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Region 9	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Region 10	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Summarize the concerns of disagreeing Offices/Regions:

An Options discussion occurred within the last 2 weeks at the AA level. These are the offices participating on the FAR. OW called the participating offices for their response to an expedited FAR. OP needed to elevate the request to their management and has not yet responded. OAR and OSCPP do not have workgroup members but attended the meeting.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

**MEMORANDUM**

**SUBJECT:** Final Agency Review: National Primary Drinking Water Regulations: Regulation of Perchlorate Final Action (Tier 1; SAN 5555; RIN: 2040-AF28)  
– **CONCUR WITHOUT COMMENT**

**FROM:** Alexandra Dapolito Dunn, *Esq.*  
Assistant Administrator (7101M)

ALEXANDRA  
DAPOLITO DUNN

Digitally signed by  
ALEXANDRA DAPOLITO DUNN  
Date: 2020.05.12 08:31:18  
-04'00'

**TO:** Charlotte Bertrand  
Deputy Assistant Administrator for Policy  
Office of Water

Thank you for the opportunity to review FAR package for this important Tier 1 regulatory action. I am pleased to concur without comment. Please contact Angela Hofmann, the OCSPP representative on the EPA Regulatory Steering Committee, should you have any questions or require additional information from OCSPP.

cc: Lisa Christ, OW/OGWDW  
Sandy Evalenko, OW  
Leanne Nurse, OP  
Tom Tyler, OCSPP/OAA  
Angela Hofmann, OCSPP/OPMO/RICS



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
RESEARCH AND DEVELOPMENT

May 7, 2020

**MEMORANDUM**

**SUBJECT:** Concurrence – Final Agency Review of Drinking Water: Notice of Withdrawal of the 2011 Perchlorate Regulatory Determination and Publication of the Final Regulatory Determination on Perchlorate (Tier 1; SAN 5555)

**FROM:** Mary A. Ross      **MARY ROSS**      Digitally signed by MARY ROSS  
Director      Date: 2020.05.07 11:14:04  
Office of Science Advisor, Policy and Engagement      -04'00'

**TO:** Charlotte Bertrand  
Deputy Assistant Administrator  
Office of Ground Water and Drinking Water

Thank you for the opportunity to review and comment on the final agency review package for the "Drinking Water: Notice of Withdrawal of the 2011 Perchlorate Regulatory Determination and Publication of the Final Regulatory Determination on Perchlorate." The Office of Research and Development (ORD) has reviewed the draft *Federal Register* notice and concurs without comment.

If you have any questions, please contact Lynn Flowers (202) 564-6293 or Nicole Shao (202) 564-6779 of my staff.

cc: Sandy Evalenko, OW/IO  
Lisa Christ, OW/OGWDW  
Leanne Nurse, OP  
Lynn Flowers, ORD/OSAPE  
Nicole Shao, ORD/OSAPE

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460**

OFFICE OF POLICY

May 29, 2020

**MEMORANDUM**

**SUBJECT:** Expedited Final Agency Review (FAR): National Primary  
Drinking Water Regulations: Regulation of Perchlorate  
Final Action (Tier 1; SAN 5555; RIN: 2040-AF28)

**FROM:** Melissa Kramer, Associate Director  
Regulatory Management Division

**TO:** Sandy Evalenko, Steering Committee Representative  
Office of Water

This memorandum documents the Expedited Final Agency Review: National Primary  
Drinking Water Regulations: Regulation of Perchlorate Final Action (Tier 1; SAN 5555; RIN: 2040-  
AF28) on May 7, 2020. The Office of Policy (OP), the Office of General Counsel (OGC), the Office  
of Research and Development (ORD), the Office of Chemical Safety and Pollution Prevention  
(OCSPP), the Office of Land and Emergency Management (OLEM) and the Office of Children's  
Health Protection (OCHP) participated in the development of this action.

**Position of Each Office**

**OGC:**

**OP:** Concurs with comments (AA-level) memo attached on page 3 Concurs with comments (AA-  
level) memo attached on page 4

**ORD:**

**OCSPP:**

**OLEM:** Concurs (OD-level) memo attached on page 6 Concurs (AA-level) memo attached on page  
7 Concurs (AA-level) memo attached on page 8

**OCHP:** Concurs with comments (OD-level) memo attached on page 9

**Next Step:**

Signature is planned for late May, 2020. OMB confirmed that this final rule is significant May 28,  
2020.

Cc:

Office of General Counsel

Office of Policy

Office of Research and Development

Office of Chemical Safety and Pollution Prevention FAR Summary SAN 5555

Office of Land and Emergency Management  
Office of Children's Health Protection FAR Summary SAN 5555  
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**From:** Parikh, Pooja <Parikh.Pooja@epa.gov> **Sent:** Thursday, May 07, 2020 9:52 AM **To:** Evalenko, Sandy <Evalenko.Sandy@epa.gov> **Cc:** Wehling, Carrie <Wehling.Carrie@epa.gov>; Christ, Lisa <Christ.Lisa@epa.gov> **Subject:** Perchlorate FRN -- OGC concurs with comment

On behalf of the General Counsel, I am providing OGC's concurrence on the Federal Register Notice referenced in the email below, subject to the attached comments. I will be representing OGC at the FAR meeting. Please let me know if you have any questions or require additional information. Thank you.

Pooja

Pooja S. Parikh

Attorney- Advisor

U.S. Environmental Protection Agency

Office of General Counsel, Water Law Office

Phone: 202 564-0839

Email: parikh.pooja@epa.gov FAR Summary SAN 5555

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**From:** Nickerson, William <Nickerson.William@epa.gov> **Sent:** Thursday, May 7, 2020 6:27 PM **To:** McLain, Jennifer L. <McLain.Jennifer@epa.gov> **Cc:** Burneson, Eric <Burneson.Eric@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Evalenko, Sandy <Evalenko.Sandy@epa.gov>; Lousberg, Macara <Lousberg.Macara@epa.gov>; Hernandez-Quinones, Samuel <Hernandez.Samuel@epa.gov>; Johnson, Ann <Johnson.Ann@epa.gov>; Dockins, Chris <Dockins.Chris@epa.gov>; Corrales, Mark <Corrales.Mark@epa.gov>; Manibusan, Mary <Manibusan.Mary@epa.gov>; Kramer, Melissa <Kramer.Melissa@epa.gov>; Nurse, Leanne <Nurse.Leanne@epa.gov> **Subject:** Concur With Comment – Drinking Water: Notice of Withdrawal of the 2011 Perchlorate Regulatory Determination and Publication of the Final Regulatory Determination on Perchlorate (SAN 5555, Tier 1)

Jennifer,

Thank you for the opportunity to review the Final Agency Review materials for the final Perchlorate Regulatory Determination. Based on consultation with the Office's Associate Administrator, the Office of Policy concurs with comment.

We have attached a redline with suggested changes. In addition to editorial suggestions and clarifying questions, our comments note the need to address the three more substantive topics briefly summarized below.

The preamble indicates that we considered the findings of the

**Deliberative Process / Ex. 5**

# Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

At this point we have no objection to the action proceeding through the rest of the rulemaking steps. If you have any questions or concerns, please feel free to contact me or have your staff contact Ann Johnson on 202-564-5966. Thank you.

Bill FAR Summary SAN 5555

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

WASHINGTON, D.C. 20460

OFFICE OF RESEARCH AND DEVELOPMENT

May 7, 2020

**MEMORANDUM**

**SUBJECT:** Concurrence – Mary A. Ross Director

Final Agency Review of  
Drinking Water: Notice of  
Withdrawal of the 2011  
Perchlorate Regulatory  
Determination and Publication  
of the Final Regulatory  
Determination on Perchlorate

(Tier 1; SAN 5555) **FROM:**

Office of Science Advisor, Policy and Engagement

**TO:** Charlotte Bertrand

Deputy Assistant Administrator

Office of Ground Water and Drinking Water



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460**

OFFICE OF POLICY

May 29, 2020

**MEMORANDUM**

**SUBJECT:** Expedited Final Agency Review (FAR): National Primary  
Drinking Water Regulations: Regulation of Perchlorate  
Final Action (Tier 1; SAN 5555; RIN: 2040-AF28)

**FROM:** Melissa Kramer, Associate Director  
Regulatory Management Division

MELISSA KRAMER

Digitally signed by MELISSA  
KRAMER  
Date: 2020.06.01 10:32:51 -04'00'

**TO:** Sandy Evalenko, Steering Committee Representative  
Office of Water

This memorandum documents the Expedited Final Agency Review: National Primary Drinking Water Regulations: Regulation of Perchlorate Final Action (Tier 1; SAN 5555; RIN: 2040-AF28) on May 7, 2020. The Office of Policy (OP), the Office of General Counsel (OGC), the Office of Research and Development (ORD), the Office of Chemical Safety and Pollution Prevention (OCSPP), the Office of Land and Emergency Management (OLEM) and the Office of Children's Health Protection (OCHP) participated in the development of this action.

**Position of Each Office**

**OGC:** Concurs with comments (AA-level) memo attached on page 3  
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**ORD:** Concurs (OD-level) memo attached on page 6  
**OCSPP:** Concurs (AA-level) memo attached on page 7  
**OLEM:** Concurs (AA-level) memo attached on page 8  
**OCHP:** Concurs with comments (OD-level) memo attached on page 9

**Next Step:**

Signature is planned for late May, 2020. OMB confirmed that this final rule is significant May 28, 2020.

Cc:  
Office of General Counsel  
Office of Policy  
Office of Research and Development  
Office of Chemical Safety and Pollution Prevention

FAR Summary SAN 5555

Office of Land and Emergency Management  
Office of Children's Health Protection

FAR Summary SAN 5555

**From:** Parikh, Pooja <Parikh.Pooja@epa.gov>

**Sent:** Thursday, May 07, 2020 9:52 AM

**To:** Evalenko, Sandy <Evalenko.Sandy@epa.gov>

**Cc:** Wehling, Carrie <Wehling.Carrie@epa.gov>; Christ, Lisa <Christ.Lisa@epa.gov>

**Subject:** Perchlorate FRN -- OGC concurs with comment

On behalf of the General Counsel, I am providing OGC's concurrence on the Federal Register Notice referenced in the email below, subject to the attached comments. I will be representing OGC at the FAR meeting. Please let me know if you have any questions or require additional information. Thank you.

Pooja

Pooja S. Parikh

Attorney- Advisor

U.S. Environmental Protection Agency

Office of General Counsel, Water Law Office

Phone: 202 564-0839

Email: [parikh.pooja@epa.gov](mailto:parikh.pooja@epa.gov)

**From:** Nickerson, William <Nickerson.William@epa.gov>

**Sent:** Thursday, May 7, 2020 6:27 PM

**To:** McLain, Jennifer L. <McLain.Jennifer@epa.gov>

**Cc:** Burneson, Eric <Burneson.Eric@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Evalenko, Sandy <Evalenko.Sandy@epa.gov>; Lousberg, Macara <Lousberg.Macara@epa.gov>; Hernandez-Quinones, Samuel <Hernandez.Samuel@epa.gov>; Johnson, Ann <Johnson.Ann@epa.gov>; Dockins, Chris <Dockins.Chris@epa.gov>; Corrales, Mark <Corrales.Mark@epa.gov>; Manibusan, Mary <Manibusan.Mary@epa.gov>; Kramer, Melissa <Kramer.Melissa@epa.gov>; Nurse, Leanne <Nurse.Leanne@epa.gov>

**Subject:** Concur With Comment – Drinking Water: Notice of Withdrawal of the 2011 Perchlorate Regulatory Determination and Publication of the Final Regulatory Determination on Perchlorate (SAN 5555, Tier 1)

Jennifer,

Thank you for the opportunity to review the Final Agency Review materials for the final Perchlorate Regulatory Determination. Based on consultation with the Office's Associate Administrator, the Office of Policy concurs with comment.

We have attached a redline with suggested changes. In addition to editorial suggestions and clarifying questions, our comments note the need to address the three more substantive topics briefly summarized below.

The preamble indicates that we considered the findings of the **Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

# Deliberative Process / Ex. 5

At this point we have no objection to the action proceeding through the rest of the rulemaking steps. If you have any questions or concerns, please feel free to contact me or have your staff contact Ann Johnson on 202-564-5966. Thank you.

Bill





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON, D.C. 20460

OFFICE OF RESEARCH AND  
DEVELOPMENT

May 7, 2020

**MEMORANDUM**

**SUBJECT:** Concurrence – Final Agency Review of Drinking Water: Notice of Withdrawal of the 2011 Perchlorate Regulatory Determination and Publication of the Final Regulatory Determination on Perchlorate (Tier 1; SAN 5555)

**FROM:** Mary A. Ross  
Director  
Office of Science Advisor, Policy and Engagement

**TO:** Charlotte Bertrand  
Deputy Assistant Administrator  
Office of Ground Water and Drinking Water

Thank you for the opportunity to review and comment on the final agency review package for the “Drinking Water: Notice of Withdrawal of the 2011 Perchlorate Regulatory Determination and Publication of the Final Regulatory Determination on Perchlorate.” The Office of Research and Development (ORD) has reviewed the draft *Federal Register* notice and concurs without comment.

If you have any questions, please contact Lynn Flowers (202) 564-6293 or Nicole Shao (202) 564-6779 of my staff.

cc: Sandy Evalenko, OW/IO  
Lisa Christ, OW/OGWDW  
Leanne Nurse, OP  
Lynn Flowers, ORD/OSAPE  
Nicole Shao, ORD/OSAPE

\*\*\* Deliberative Internal Document – Do Not Cite, Quote or Release \*\*\*



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

**MEMORANDUM**

**SUBJECT:** Final Agency Review: National Primary Drinking Water Regulations: Regulation of Perchlorate Final Action (Tier 1; SAN 5555; RIN: 2040-AF28)  
– **CONCUR WITHOUT COMMENT**

**FROM:** Alexandra Dapolito Dunn, *Esq.*  
Assistant Administrator (7101M)

**TO:** Charlotte Bertrand  
Deputy Assistant Administrator for Policy  
Office of Water

Thank you for the opportunity to review FAR package for this important Tier 1 regulatory action. I am pleased to concur without comment. Please contact Angela Hofmann, the OCSPP representative on the EPA Regulatory Steering Committee, should you have any questions or require additional information from OCSPP.

cc: Lisa Christ, OW/OGWDW  
Sandy Evalenko, OW  
Leanne Nurse, OP  
Tom Tyler, OCSPP/OAA  
Angela Hofmann, OCSPP/OPMO/RICS

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FAR Summary SAN 5555

**From:** Christ, Lisa <Christ.Lisa@epa.gov>  
**Sent:** Thursday, May 7, 2020 9:09 AM  
**To:** Burneson, Eric <Burneson.Eric@epa.gov>; McLain, Jennifer L. <McLain.Jennifer@epa.gov>  
**Cc:** Hernandez-Quinones, Samuel <Hernandez.Samuel@epa.gov>  
**Subject:** Fwd: OLEM's Response to Expedited Final Agency Review: National Primary Drinking Water Regulations: Regulation of Perchlorate (Tier 1; SAN 5555; RIN: 2040-AF28)

Sent from my iPhone

Begin forwarded message:

**From:** "Cogliano, Gerain" <Cogliano.Gerain@epa.gov>  
**Date:** May 6, 2020 at 6:44:02 PM EDT  
**To:** "Bertrand, Charlotte" <Bertrand.Charlotte@epa.gov>  
**Cc:** "Christ, Lisa" <Christ.Lisa@epa.gov>, "Nurse, Leanne" <Nurse.Leanne@epa.gov>, "Evalenko, Sandy" <Evalenko.Sandy@epa.gov>, "Raffaele, Kathleen" <raffaele.kathleen@epa.gov>, "Foster, Stiven" <Foster.Stiven@epa.gov>, "Banks, Dawn" <Banks.Dawn@epa.gov>  
**Subject:** OLEM's Response to Expedited Final Agency Review: National Primary Drinking Water Regulations: Regulation of Perchlorate (Tier 1; SAN 5555; RIN: 2040-AF28)

Thank you for the opportunity to review the expedited Final Agency Review (FAR) for the **National Primary Drinking Water Regulations: Regulation of Perchlorate**.

OLEM concurs without comment at the AA-level.

If you have any questions or concerns, please contact me.

Thanks,

Gerain Cogliano  
OLEM Regulatory Steering Committee Representative  
202-566-1929

\*\*\*\*\*

FAR Summary SAN 5555  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460



OFFICE OF CHILDREN'S HEALTH PROTECTION

May 8, 2020

**MEMORANDUM**

**Subject:** Concur with Comment: Expedited Final Agency Review: National Primary Drinking Water Regulations of Perchlorate (Tier 1; SAN 5555; RIN: 2040-AF28)

**From:** Jeanne Briskin, Director

**To:** Charlotte Bertrand, Deputy Assistant Administrator (Policy)  
Office of Water

Thank you for the opportunity to review and comment on the Expedited Final Agency Review for Perchlorate. The Office of Children's Health Protection (OCHP) concurs with comment on the Expedited Final Agency Review (FAR): National Primary Drinking Water Regulation of Perchlorate (Tier 1; SAN 5555; RIN: 2040-AF28). In our comments in the draft Federal Register Notice (FRN),

**Ex. 5 Deliberative Process (DP)**

OCHP is concerned that

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

**Ex. 5 Deliberative Process (DP)**

FAR Summary SAN 5555

OCHP has not had the opportunity to review the current response to public comment document and cannot therefore provide input on whether the draft final rule is adequately responsive to the comments received.

Thank you again for the opportunity to provide comments. If you need additional information, please contact me at 202-564-4583 or have your staff contact Rebecca Dzubow at 202-564-0967

**cc:**

Lisa Christ, OW  
Sandy Evalenko, OW  
Leanne Nurse, OW

Message

---

**From:** Miller, Wynne [Miller.Wynne@epa.gov]  
**Sent:** 2/15/2019 6:13:19 PM  
**To:** Beck, Nancy [Beck.Nancy@epa.gov]  
**CC:** Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Lowit, Anna [Lowit.Anna@epa.gov]; Keller, Kaitlin [keller.kaitlin@epa.gov]  
**Subject:** RE: Request for review - Draft Perchlorate Rule Proposal  
**Attachments:** Version-Control Perchlorate Rule FRN 2-4-19.2\_OCSP.docx

Here you go Nancy.  
Thx much,  
Wynne

---

**From:** Beck, Nancy  
**Sent:** Friday, February 15, 2019 11:58 AM  
**To:** Miller, Wynne <Miller.Wynne@epa.gov>  
**Cc:** Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Lowit, Anna <Lowit.Anna@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>  
**Subject:** Re: Request for review - Draft Perchlorate Rule Proposal

Yes however I think we still need to add some more IO comments so if you can send it back to us, we can incorporate those when you are done.  
Thanks!

\*\*\*\*\*

Nancy B. Beck, Ph.D., DABT  
Principal Deputy Assistant Administrator  
Office of Chemical Safety and Pollution Prevention  
P: [202-564-1273](tel:202-564-1273)  
[beck.nancy@epa.gov](mailto:beck.nancy@epa.gov)

On Feb 15, 2019, at 11:55 AM, Miller, Wynne <[Miller.Wynne@epa.gov](mailto:Miller.Wynne@epa.gov)> wrote:

Thanks Nancy!! We can embed OPP's comments (#1 and 2 highlighted below) into your draft redline document. The comments on the support documents are very minor so I think we should just send those via email. Once we are done embedding our comments, do you want us to transmit everything to OGWDW?

Regards,  
Wynne

---

**From:** Beck, Nancy  
**Sent:** Friday, February 15, 2019 9:46 AM  
**To:** Miller, Wynne <[Miller.Wynne@epa.gov](mailto:Miller.Wynne@epa.gov)>  
**Cc:** Bertrand, Charlotte <[Bertrand.Charlotte@epa.gov](mailto:Bertrand.Charlotte@epa.gov)>; Keigwin, Richard <[Keigwin.Richard@epa.gov](mailto:Keigwin.Richard@epa.gov)>; Messina, Edward <[Messina.Edward@epa.gov](mailto:Messina.Edward@epa.gov)>; Lowit, Anna <[Lowit.Anna@epa.gov](mailto:Lowit.Anna@epa.gov)>; Keller, Kaitlin <[keller.kaitlin@epa.gov](mailto:keller.kaitlin@epa.gov)>  
**Subject:** RE: Request for review - Draft Perchlorate Rule Proposal

Wynne-  
We only have comments on the preamble. Would it make sense to add your relevant comments to this working draft redline?

---

Nancy B. Beck, Ph.D., DABT  
Principal Deputy Assistant Administrator, OCSP  
P: 202-564-1273  
[beck.nancy@epa.gov](mailto:beck.nancy@epa.gov)

---

**From:** Beck, Nancy  
**Sent:** Friday, February 15, 2019 7:54 AM  
**To:** Miller, Wynne <[Miller.Wynne@epa.gov](mailto:Miller.Wynne@epa.gov)>  
**Cc:** Bertrand, Charlotte <[Bertrand.Charlotte@epa.gov](mailto:Bertrand.Charlotte@epa.gov)>; Keigwin, Richard <[Keigwin.Richard@epa.gov](mailto:Keigwin.Richard@epa.gov)>; Messina, Edward <[Messina.Edward@epa.gov](mailto:Messina.Edward@epa.gov)>; Lowit, Anna <[Lowit.Anna@epa.gov](mailto:Lowit.Anna@epa.gov)>; Keller, Kaitlin <[keller.kaitlin@epa.gov](mailto:keller.kaitlin@epa.gov)>  
**Subject:** Re: Request for review - Draft Perchlorate Rule Proposal

We should combine with IO comments and only send over one set of OCSP comments.

I have one question about consistency with the air program. They looked at a population level and this is at an individual level. Does OPP staff see this as same?  
Thanks.

\*\*\*\*\*

Nancy B. Beck, Ph.D., DABT  
Principal Deputy Assistant Administrator  
Office of Chemical Safety and Pollution Prevention  
P: 202-564-1273  
[beck.nancy@epa.gov](mailto:beck.nancy@epa.gov)

On Feb 14, 2019, at 9:51 PM, Miller, Wynne <[Miller.Wynne@epa.gov](mailto:Miller.Wynne@epa.gov)> wrote:

Hi Nancy and Charlotte,  
Anna Lowit and staff in the Antimicrobials Division reviewed OGWDW's proposed perchlorate rule and support documents. Recall that OGWDW sent these items to OPP as an FYI and we have not been on the formal workgroup. While OGWDW indicated that they were not requesting comment on the support documents, we still have a few suggestions listed below. In addition, we have suggestions for the proposed rule. If you are okay with these ... we'd like to send to OGWDW by 4 pm on Friday, Feb 15 (their deadline is COB). You indicated that you may have comments as well ... so if you'd like us to tell OGWDW that you might be sending additional comments ... we can do that – please let me know.  
Best regards,  
Wynne

Support documents included the following attachments:

- Attachment 1: This is the main document (82 pages) on the derivation of the MCLG.
- Attachment 2: This is the Cost/Benefit analysis (98 pages)
- Attachment 3: Perchlorate Occurrence & Monitoring Report (52 pages)
- Attachment 4: Costs for treating perchlorate contaminated waters
- Attachment 5: Best available treatment technologies

Attachment 6: “Proposed Approaches to Inform the Derivation of a MCLG for Perchlorate in DW”

- OPP had no comments on Attachments 2, 4, 5, and 6.
- On attachment 1 (Technical Support Document for Derivation of the MCLG), we had the following comments:

## Deliberative Process / Ex. 5

- Attachment 3 (Occurrence and Monitoring Document) – Minor typos...

## Deliberative Process / Ex. 5

OPP comments on the proposed perchlorate regulation:

## Deliberative Process / Ex. 5



---

**From:** Christ, Lisa  
**Sent:** Monday, February 04, 2019 12:05 PM  
**To:** Kyprianou, Rose <Kyprianou.Rose@epa.gov>; Miller, Wynne <Miller.Wynne@epa.gov>; Raffaele, Kathleen <raffaele.kathleen@epa.gov>  
**Cc:** Hernandez-Quinones, Samuel <Hernandez.Samuel@epa.gov>  
**Subject:** FW: Request for review - Draft Perchlorate Rule Proposal

Just making sure you received the draft.  
Thanks-  
Lisa

---

**From:** Hernandez-Quinones, Samuel  
**Sent:** Monday, February 04, 2019 10:32 AM  
**To:** Johnson, Ann <Johnson.Ann@epa.gov>; Dockins, Chris <Dockins.Chris@epa.gov>; Shao, Nicole <Shao.Nicole@epa.gov>; Miller, Gregory <Miller.Gregory@epa.gov>; Flowers, Lynn <Flowers.Lynn@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>  
**Cc:** Christ, Lisa <Christ.Lisa@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>; Flaharty, Stephanie <Flaharty.Stephanie@epa.gov>; Messier, Dawn <Messier.Dawn@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>; Khera, Rajiv <Khera.Rajiv@epa.gov>  
**Subject:** Request for review - Draft Perchlorate Rule Proposal

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I will follow-up with another email later today that contains the draft version of the technical support documents that were used as the basis for the Perchlorate proposal. Since those are very lengthy documents we are not requesting that you submit input and/or comments on those within the two- week time frame.

Please let me know if you have any questions.

Thanks  
Sam

=====

Samuel Hernández Quiñones, P.E.  
Environmental Engineer  
Office of Water  
Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, DC 20460  
202-564-1735

"USEPA Protecting Human Health and the Environment"

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**Subject:** Technical Support Documents - Draft Perchlorate Rule Proposal

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Economic Analysis  
MCLG Derivation Document  
Treatment Technologies & Costs Document  
Occurrence & Monitoring Report  
MCLG Approaches Document  
Best Available Technologies Document

Thanks  
Sam

=====

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Thanks

Sam

=====

Samuel Hernández Quiñones, P.E.  
Environmental Engineer  
Office of Water  
Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, DC 20460  
202-564-1735

"USEPA Protecting Human Health and the Environment"

Message

---

**From:** Miller, Wynne [Miller.Wynne@epa.gov]  
**Sent:** 2/6/2019 2:03:40 PM  
**To:** Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Morris, Jeff [Morris.Jeff@epa.gov]  
**CC:** Dunn, Alexandra [dunn.alexandra@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Dinkins, Darlene [Dinkins.Darlene@epa.gov]; Keller, Kaitlin [keller.kaitlin@epa.gov]  
**Subject:** FW: Request for review - Draft Perchlorate Rule Proposal  
**Attachments:** Version-Control Perchlorate Rule FRN 2-4-19.docx

Hi All,

Per the request at today's OCSPP IO meeting ... attached is the email with the perchlorate proposed rule the Lisa Christ in OW sent to Rose Kyprianou and I. Lisa gave this to us informally since we are not on the formal workgroup. My understanding in talking to Rose today is that we were give this as an FYI but we will still review to see if we see anything major since OPP registers drinking water disinfectants (and perchlorate can be formed as a byproduct under certain storage conditions). We will also look for the uncertainty language you mentioned today regarding the derivation of the health endpoint. As I noted at today's meeting, they are under a consent decree. I will also forward the support documents next (which were in a separate email).

Regards,  
Wynne

---

**From:** Christ, Lisa  
**Sent:** Monday, February 04, 2019 12:05 PM  
**To:** Kyprianou, Rose <Kyprianou.Rose@epa.gov>; Miller, Wynne <Miller.Wynne@epa.gov>; Raffaele, Kathleen <raffaele.kathleen@epa.gov>  
**Cc:** Hernandez-Quinones, Samuel <Hernandez.Samuel@epa.gov>  
**Subject:** FW: Request for review - Draft Perchlorate Rule Proposal

Just making sure you received the draft.

Thanks-  
Lisa

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**Cc:** Christ, Lisa <Christ.Lisa@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>; Flaharty, Stephanie <Flaharty.Stephanie@epa.gov>; Messier, Dawn <Messier.Dawn@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>; Khera, Rajiv <Khera.Rajiv@epa.gov>  
**Subject:** Request for review - Draft Perchlorate Rule Proposal

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I will follow-up with another email later today that contains the draft version of the technical support documents that were used as the basis for the Perchlorate proposal. Since those are very lengthy documents we are not requesting that you submit input and/or comments on those within the two- week time frame.

Please let me know if you have any questions.

Thanks

Sam

=====

Samuel Hernández Quiñones, P.E.  
Environmental Engineer  
Office of Water  
Environmental Protection Agency  
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**To:** Johnson, Ann <Johnson.Ann@epa.gov>; Dockins, Chris <Dockins.Chris@epa.gov>; Shao, Nicole <Shao.Nicole@epa.gov>; Miller, Gregory <Miller.Gregory@epa.gov>; Flowers, Lynn <Flowers.Lynn@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Kyprianou, Rose <Kyprianou.Rose@epa.gov>; Miller, Wynne <Miller.Wynne@epa.gov>; Raffaele, Kathleen <raffaele.kathleen@epa.gov>  
**Cc:** Christ, Lisa <Christ.Lisa@epa.gov>; Khera, Rajiv <Khera.Rajiv@epa.gov>  
**Subject:** Technical Support Documents - Draft Perchlorate Rule Proposal

**Preliminary draft for internal EPA review**

Hi,

Attached are copies of the draft technical support documents that were used as basis for the Perchlorate Rule Proposal. As mentioned earlier today we are not requesting comments on these documents within the two-week review time frame.

Economic Analysis  
MCLG Derivation Document  
Treatment Technologies & Costs Document  
Occurrence & Monitoring Report  
MCLG Approaches Document  
Best Available Technologies Document

Thanks

Sam

=====

Samuel Hernández Quiñones, P.E.  
Environmental Engineer  
Office of Water  
Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, DC 20460  
202-564-1735

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**From:** Hernandez-Quinones, Samuel

**Sent:** Monday, February 04, 2019 10:32 AM

**To: Cc:** Christ, Lisa <[christ.lisa@epa.gov](mailto:christ.lisa@epa.gov)>; Burneson, Eric <[burneson.eric@epa.gov](mailto:burneson.eric@epa.gov)>; Flaharty, Stephanie <[Flaharty.Stephanie@epa.gov](mailto:Flaharty.Stephanie@epa.gov)>; Messier, Dawn <[Messier.Dawn@epa.gov](mailto:Messier.Dawn@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Huff, Lisa <[Huff.Lisa@epa.gov](mailto:Huff.Lisa@epa.gov)>; Khera, Rajiv <[Khera.Rajiv@epa.gov](mailto:Khera.Rajiv@epa.gov)>

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I will follow-up with another email later today that contains the draft version of the technical support documents that were used as the basis for the Perchlorate proposal. Since those are very lengthy documents we are not requesting that you submit input and/or comments on those within the two- week time frame.

Please let me know if you have any questions.

Thanks

Sam

=====

Samuel Hernández Quiñones, P.E.  
Environmental Engineer  
Office of Water  
Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, DC 20460  
202-564-1735

"USEPA Protecting Human Health and the Environment"

Message

---

**From:** Beck, Nancy [Beck.Nancy@epa.gov]  
**Sent:** 2/15/2019 2:45:57 PM  
**To:** Miller, Wynne [Miller.Wynne@epa.gov]  
**CC:** Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Lowit, Anna [Lowit.Anna@epa.gov]; Keller, Kaitlin [keller.kaitlin@epa.gov]  
**Subject:** RE: Request for review - Draft Perchlorate Rule Proposal  
**Attachments:** Version-Control Perchlorate Rule FRN 2-4-19.2.docx

Wynne-

We only have comments on the preamble. Would it make sense to add your relevant comments to this working draft redline?

---

Nancy B. Beck, Ph.D., DABT  
Principal Deputy Assistant Administrator, OCSPP  
P: 202-564-1273  
[beck.nancy@epa.gov](mailto:beck.nancy@epa.gov)

---

**From:** Beck, Nancy  
**Sent:** Friday, February 15, 2019 7:54 AM  
**To:** Miller, Wynne <Miller.Wynne@epa.gov>  
**Cc:** Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Lowit, Anna <Lowit.Anna@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>  
**Subject:** Re: Request for review - Draft Perchlorate Rule Proposal

We should combine with IO comments and only send over one set of OCSPP comments.

I have one question about consistency with the air program. They looked at a population level and this is at an individual level. Does OPP staff see this as same?

Thanks.

\*\*\*\*\*

Nancy B. Beck, Ph.D., DABT  
Principal Deputy Assistant Administrator  
Office of Chemical Safety and Pollution Prevention  
P: [202-564-1273](tel:202-564-1273)  
[beck.nancy@epa.gov](mailto:beck.nancy@epa.gov)

On Feb 14, 2019, at 9:51 PM, Miller, Wynne <[Miller.Wynne@epa.gov](mailto:Miller.Wynne@epa.gov)> wrote:

Hi Nancy and Charlotte,  
Anna Lowit and staff in the Antimicrobials Division reviewed OGWDW's proposed perchlorate rule and support documents. Recall that OGWDW sent these items to OPP as an FYI and we have not been on the formal workgroup. While OGWDW indicated that they were not requesting comment on the support documents, we still have a few suggestions listed below. In addition, we have suggestions for the proposed rule. If you are okay with these ... we'd like to send to OGWDW by 4 pm on Friday, Feb 15 (their deadline is COB). You indicated that you may have comments as well ... so if you'd like us to tell OGWDW that you might be sending additional comments ... we can do that – please let me know.

Best regards,  
Wynne

Support documents included the following attachments:

Attachment 1: This is the main document (82 pages) on the derivation of the MCLG.

Attachment 2: This is the Cost/Benefit analysis (98 pages)

Attachment 3: Perchlorate Occurrence & Monitoring Report (52 pages)

Attachment 4: Costs for treating perchlorate contaminated waters

Attachment 5: Best available treatment technologies

Attachment 6: "Proposed Approaches to Inform the Derivation of a MCLG for Perchlorate in DW"

- OPP had no comments on Attachments 2, 4, 5, and 6.
- On attachment 1 (Technical Support Document for Derivation of the MCLG), we had the following comments:

## Deliberative Process / Ex. 5

- Attachment 3 (Occurrence and Monitoring Document) – Minor typos...

## Deliberative Process / Ex. 5

OPP comments on the proposed perchlorate regulation:

1

2

3

4

## Deliberative Process / Ex. 5



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Thanks  
Sam

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**Cc:** Christ, Lisa <[Christ.Lisa@epa.gov](mailto:Christ.Lisa@epa.gov)>; Khera, Rajiv <[Khera.Rajiv@epa.gov](mailto:Khera.Rajiv@epa.gov)>  
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Sam

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Please let me know if you have any questions.

Thanks

Sam

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Environmental Engineer

Office of Water

Environmental Protection Agency

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Washington, DC 20460

202-564-1735

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Message

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**From:** Beck, Nancy [Beck.Nancy@epa.gov]  
**Sent:** 2/19/2019 1:11:22 PM  
**To:** Miller, Wynne [Miller.Wynne@epa.gov]  
**CC:** Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Lowit, Anna [Lowit.Anna@epa.gov]; Keller, Kaitlin [keller.kaitlin@epa.gov]  
**Subject:** RE: Request for review - Draft Perchlorate Rule Proposal  
**Attachments:** Version-Control Perchlorate Rule FRN 2-4-19.3\_OCSP.docx

Wynne,

The attached version now has our IO comments in it. Can you forward to OW along with the comments below that relate to the other documents (I think all the preamble comments are covered now).

Thanks.

Nancy

---

Nancy B. Beck, Ph.D., DABT  
Principal Deputy Assistant Administrator, OCSP  
P: 202-564-1273  
[beck.nancy@epa.gov](mailto:beck.nancy@epa.gov)

---

**From:** Miller, Wynne  
**Sent:** Friday, February 15, 2019 1:36 PM  
**To:** Beck, Nancy <Beck.Nancy@epa.gov>  
**Cc:** Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Lowit, Anna <Lowit.Anna@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>  
**Subject:** RE: Request for review - Draft Perchlorate Rule Proposal

Hi Nancy,

Anna is compressed today and the comments I embedded are from her. Based on a brief conversation she and I had earlier in the week ... I'm pretty sure she'd agree with the IO comments.

Wynne

---

**From:** Beck, Nancy  
**Sent:** Friday, February 15, 2019 1:16 PM  
**To:** Miller, Wynne <[Miller.Wynne@epa.gov](mailto:Miller.Wynne@epa.gov)>  
**Cc:** Bertrand, Charlotte <[Bertrand.Charlotte@epa.gov](mailto:Bertrand.Charlotte@epa.gov)>; Keigwin, Richard <[Keigwin.Richard@epa.gov](mailto:Keigwin.Richard@epa.gov)>; Messina, Edward <[Messina.Edward@epa.gov](mailto:Messina.Edward@epa.gov)>; Lowit, Anna <[Lowit.Anna@epa.gov](mailto:Lowit.Anna@epa.gov)>; Keller, Kaitlin <[keller.kaitlin@epa.gov](mailto:keller.kaitlin@epa.gov)>  
**Subject:** RE: Request for review - Draft Perchlorate Rule Proposal

Thanks. I presume if OPP had any concerns with the comments you would let us know.

---

Nancy B. Beck, Ph.D., DABT  
Principal Deputy Assistant Administrator, OCSP  
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**From:** Miller, Wynne  
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**To:** Beck, Nancy <[Beck.Nancy@epa.gov](mailto:Beck.Nancy@epa.gov)>

**Cc:** Bertrand, Charlotte <[Bertrand.Charlotte@epa.gov](mailto:Bertrand.Charlotte@epa.gov)>; Keigwin, Richard <[Keigwin.Richard@epa.gov](mailto:Keigwin.Richard@epa.gov)>; Messina, Edward <[Messina.Edward@epa.gov](mailto:Messina.Edward@epa.gov)>; Lowit, Anna <[Lowit.Anna@epa.gov](mailto:Lowit.Anna@epa.gov)>; Keller, Kaitlin <[keller.kaitlin@epa.gov](mailto:keller.kaitlin@epa.gov)>

**Subject:** RE: Request for review - Draft Perchlorate Rule Proposal

Here you go Nancy.

Thx much,  
Wynne

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**Sent:** Friday, February 15, 2019 11:58 AM

**To:** Miller, Wynne <[Miller.Wynne@epa.gov](mailto:Miller.Wynne@epa.gov)>

**Cc:** Bertrand, Charlotte <[Bertrand.Charlotte@epa.gov](mailto:Bertrand.Charlotte@epa.gov)>; Keigwin, Richard <[Keigwin.Richard@epa.gov](mailto:Keigwin.Richard@epa.gov)>; Messina, Edward <[Messina.Edward@epa.gov](mailto:Messina.Edward@epa.gov)>; Lowit, Anna <[Lowit.Anna@epa.gov](mailto:Lowit.Anna@epa.gov)>; Keller, Kaitlin <[keller.kaitlin@epa.gov](mailto:keller.kaitlin@epa.gov)>

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Office of Chemical Safety and Pollution Prevention

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**Cc:** Hernandez-Quinones, Samuel <[Hernandez.Samuel@epa.gov](mailto:Hernandez.Samuel@epa.gov)>

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<[Huff.Lisa@epa.gov](mailto:Huff.Lisa@epa.gov)>; Khera, Rajiv <[Khera.Rajiv@epa.gov](mailto:Khera.Rajiv@epa.gov)>  
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**Cc:** Christ, Lisa <[Christ.Lisa@epa.gov](mailto:Christ.Lisa@epa.gov)>; Khera, Rajiv <[Khera.Rajiv@epa.gov](mailto:Khera.Rajiv@epa.gov)>  
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Occurrence & Monitoring Report  
MCLG Approaches Document  
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Thanks  
Sam

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Message

---

**From:** Bertrand, Charlotte [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F044D768E05842E1B75321FF6010E1B8-BERTRAND, CHARLOTTE]  
**Sent:** 2/15/2019 10:13:40 PM  
**To:** Beck, Nancy [Beck.Nancy@epa.gov]  
**Subject:** RE: CB-USE THIS VERSION FW: Request for review - Draft Perchlorate Rule Proposal  
**Attachments:** Version-Control Perchlorate Rule FRN 2-4-19.3\_OCSPF.docx

Added two comments. Renamed with ".3"

---

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**Sent:** Friday, February 15, 2019 1:14 PM  
**To:** Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>  
**Subject:** CB-USE THIS VERSION FW: Request for review - Draft Perchlorate Rule Proposal

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Hi,

Attached for your review is the Draft Perchlorate Rule Proposal (Preamble and Regulatory Text). As discussed previously we are asking that you provide your questions and or comments on the draft document to me by COB 2/15/2019. In order to keep with the consent decree deadline, we need to complete this step of the process within two weeks, if there are any issues that require technical discussions please let me know so that we can arrange any necessary working meeting.

I will follow-up with another email later today that contains the draft version of the technical support documents that were used as the basis for the Perchlorate proposal. Since those are very lengthy documents we are not requesting that you submit input and/or comments on those within the two- week time frame.

Please let me know if you have any questions.

Thanks  
Sam

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"USEPA Protecting Human Health and the Environment"



## NPDWR for Perchlorate Proposal: Summary of Public Comments

### NPDWR for Perchlorate Proposal: Summary of Public Comments

EPA received a total of 1,495 comments in response to its perchlorate rulemaking proposal.

#### Mass Mailing Campaign:

11,386 comments were received under a mass mailing campaign. These commenters oppose the proposed Maximum Contaminant Level of 56 µg/L stating that as proposed the MCL is too high to adequately protect the health of communities throughout the country.

#### Individuals:

Eighty-one comment letters with varied levels of complexity were submitted by individuals. These letters cover a wide array of technical and policy issues regarding the perchlorate proposal (88 pages).

6 individuals support the 56 µg/L proposed rule a 56 µg/L.

1 individual supports the regulatory determination withdrawal alternative.

1 individual supports the 90 µg/L alternative.

6 individuals support the 18 µg/L alternative.

23 individuals support perchlorate regulation at a level lower than 18 µg/L.

1 individual supports the withdrawal of the regulatory determination withdrawal alternative.

#### Extensive and Substantive Comment Letters from Organizations:

109 Comment letters containing extensive and substantive technical and policy issues were submitted (657 pages).

The overall recommendation of these comment letters on the regulatory proposal -breakdown as follows:

One organization did not take a position regarding regulation of perchlorate.

o Association of State Drinking Water Administrators

None support the proposed 56 µg/L proposal.

None support the 90 µg/L alternative.

# support the 18 µg/L alternative.

o Oregon

o Virginia

# support regulation at a level lower than 18 µg/L.

o Association of California Water Agencies

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- o Metropolitan Water District of Southern California
- o California
- o Massachusetts
- o New Jersey
- o New York
- o The Salt River Pima-Maricopa Indian Nation
- o The Tohono O'odham Nation
- o Alaska Community Action on Toxics
- o Environmental Defense Fund
- o Environmental Protection Network
- o Environmental Working Group
- o Natural Resources Defense Council
- o American Academy of Pediatrics

**1. Organizations that support withdrawal of the determination to regulate perchlorate:**

**U.S. Conference of Mayors & the National League of Cities (joint letter)**

One letter was jointly submitted by the U.S. Conference of Mayors & the National League of Cities. These organizations urge EPA to withdraw the Regulatory Determination for Perchlorate.

**State Agency**

**South Dakota**

South Dakota Department of Environment and Natural Resources-- Recommends that EPA withdraw the Regulatory Determination based on a no-meaningful opportunity for risk reduction as required by SDWA

**Regulated Stakeholders/Community Water Systems**

Two comment letters were submitted by Regulated Stakeholders/Community Water Systems.

**American Water**

**El Paso Water**

American Water & El Paso Water-- Recommend EPA withdraw the Regulatory Determination

**Trade/Industry Associations**

Seven comment letters were submitted by Trade/Industry Associations

**American Chemistry Council**

**American Water Works Association**

**Association of Metropolitan Water Agencies**

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◆.....National Rural Water Association

◆.....Perchlorate Study Group

◆.....The Chlorine Institute

◆.....California Farm Bureau Federation

American Chemistry Council, American Water Works Association, Association of Metropolitan Water Agencies, California Farm Bureau Federation, The Chlorine Institute, Perchlorate Study Group, National Rural Water Association—Recommend that EPA withdraw the Regulatory Determination based on not meeting the statutory requirements of SDWA.

### 2. Organizations that support stricter (than proposed 55 ppb) regulation of perchlorate:

#### Regulated Stakeholders/Community Water Systems

Two comment letters were submitted by Regulated Stakeholders/Community Water Systems:

◆.....~~Association of California Water Agencies~~

◆.....~~Metropolitan Water District of Southern California~~

— Association of California Water Agencies & Metropolitan Water District of Southern California—Urge EPA to set an MCLG and MCL close to California's standard of 6 µg/L. The federal drinking water standard should be no higher than 18 µg/L.

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#### State Agencies

Six comment letters were submitted by State Agencies:

◆.....California

◆.....Massachusetts

◆.....New Jersey

◆.....New York

◆.....Oregon

◆.....Virginia

— California—Does not agree with EPA's proposal because it is not health-protective and also believe that the agency has taken approaches that are not fully justified, not appropriate, and that need to be reconsidered.

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— Massachusetts—Does not support EPA's proposed options for perchlorate in drinking water. MassDEP urges EPA to revise its proposal to fully address perchlorate's toxicity and health-protective uncertainty factors.

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— New Jersey—Does not agree with EPA's proposal and recommends additional assessments on the approach to develop Reference Doses as well as the adequacy of the utilized Uncertainty Factors and the HQ benchmarks.

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-----New York-----Does not agree with EPA's proposal and recommends additional technical assessments to better define the basis and policy choices for adverse neurodevelopmental effects on children.

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-----Oregon-----Recommends EPA to adopt an MCL of 18 µg/L rather than 56 µg/L.

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-----Virginia-----Recommends EPA to adopt an MCL of 18 µg/L based on possible occurrence above such level due to hypochlorite degradation in the distribution system.

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### Tribal Stakeholders

Two comment letters were submitted by Tribes

-----The Salt River Pima-Maricopa Indian Community & the Tohono O'odham Nation-----  
Submitted letters in disagreement with EPA's proposal, and urged the agency to establish an MCL at a level lower than 18 µg/L.

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### Environmental Advocacy Groups

Five comment letters were submitted by Environmental Advocacy Groups (305 pages)

- ◆-----Alaska Community Action on Toxics
- ◆-----Environmental Defense Fund
- ◆-----Environmental Protection Network
- ◆-----Environmental Working Group
- ◆-----Natural Resources Defense Council

These groups strongly disagree with EPA's rulemaking proposal and the suggested regulatory alternatives. All groups suggest that EPA should set a standard for Perchlorate in drinking water no higher than 2 µg/L. In addition, these stakeholders claim that EPA is not following the statutory requirements of SDWA in that the agency failed to consider an adequate margin of safety while establishing a protective public health MCLG.

### Public Health Professional Organizations

American Academy of Pediatrics-----Disagree with EPA's proposal and urges the agency to set the strongest possible MCLG for Perchlorate.

### 3. Organizations that are neutral

Association of State Drinking Water Administrators-----The board has not taken a position on whether to regulate Perchlorate.

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